

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

FELTON GRAY,

Plaintiff,

Civil No. 07-6087-AA

v.

ORDER

ROGER HANLON "DA", et al.,

Defendants.

AIKEN, District Judge.

Plaintiff's Application to proceed in forma pauperis (#1) is allowed. However, for the reasons set forth below, plaintiff's complaint is dismissed for failure to state a claim.

Plaintiff's complaint alleges violations of his civil rights and seeks money damages against the Washington County District Attorneys Office and the District Attorney that

"presided" in criminal proceeding against plaintiff. Although plaintiff generally alleges "racial discrimination" he has not alleged any facts that would give rise to a claim for racial discrimination. The gist of plaintiff's claim seems to be that he was improperly assessed a "compensatory fine" as part of his sentence.

It is well settled that prosecutors are absolutely immune from liability for their prosecutorial functions. Imbler v. Pachtman, 424 U.S. 409 (1976); Ybarra v. Reno Thunderbird Mobile Home Village, 723 F.2d 675, 677-78 (9<sup>th</sup> Cir. 1984); Freeman v. Hittle, 708 F.2d 443 (9<sup>th</sup> Cir. 1983); Broam v. Bogan, 320 F.2d 1023 (9<sup>th</sup> Cir. 2003).

In this case, plaintiff seeks damages from defendants for their prosecutorial function. Defendants are immune from liability. Therefore, plaintiff's complaint fails to state a claim. This action is dismissed.

IT IS SO ORDERED

DATED this 3 day of May, 2007.

/s/ Ann Aiken  
Ann Aiken  
United States District Judge